

REMARKS

Applicants have amended the claims to eliminate the industrial laundering and drycleaning treatments from the Markush grouping. Additionally, Applicants have amended the independent claims to eliminate the requirement that the elastic filament be an olefin fiber, as supported in the original claims and at page 5, lines 19-24. As no new matter is incorporated, the entry of these amendments is courteously requested.

As amended, the claims require a woven or knitted elastic article which has subjected to a treatment selected from the group consisting of: a) exposure to a 10% by weight sodium hypochlorite solution for a period of at least 90 minutes at a temperature of at least 140°F; b) exposure to a 5% by weight permanganate solution for a period of at least 90 minutes at a temperature of at least 140°F; and c) mercerization. These treatments are known methods of altering fabrics as seen, for example, in US 6,171,441, which incorporates the description of mercerization from, Rydholm, ed; *Pulping Processes* (Interscience Publishers, 1965) and Ott, Spurlin and Grafflin, eds; *Cellulose and Cellulose Derivatives*, Vol V, Part I (Interscience Publishers, 1954).

The Examiner has previously argued that all fabrics are routinely laundered. While the applicants contest that all fabrics are routinely laundered *at the conditions* specified in the previous claims, the applicants have nevertheless dropped the recitations relating to laundering or drycleaning the articles from the present claims. The remaining procedures while known, are far from routine. Thus it cannot be fairly said that it would have been obvious to apply any of these treatments to fabrics in general, and especially not elastic fabrics.

The examiner has cited Ho et al. (WO 99/63021); Knight et al. (US 5,529,830); Maugans et al. (US 6,194,532); Chi (US 6,666,235) and the article "New Polyolefin Fiber Blend makes jeans WR and quick-drying" (Daily News Record, April 1994). None of these references teach any of a) exposure to a 10% by weight sodium hypochlorite solution for a period of at least 90 minutes at a temperature of at least 140°F; b) exposure to a 5% by weight permanganate solution for a period of at least 90 minutes at a temperature of at least 140°F; and c) mercerization. Accordingly none of the art cited by the examiner makes the present claims obvious.

Additionally, claim 21 specifies that the elastic fiber is an olefin fiber which has been subjected to at least 19.2 mrad of ionizing radiation, which will result in a higher level of

crosslinking, making the resulting yarns, articles and garments more stable. Ho, the only one of the references cited by the Examiner which discusses crosslinked olefin fiber, on the other hand uses a maximum of 12 mrad (see Tables 2 and 3). The Examiner has only stated that "Ho further teaches irradiating at least 3 megarads of ionizing energy". The Examiner has not addressed Applicants arguments that such limited amount of radiation will result in less crosslinking which may result in fabric which would not meet the limitations of the claim. Thus, Applicants believe that this is still a separate reason for finding claim 21 patentable.

Therefore, in view of the above amendments and arguments, Applicants believe the pending application is in condition for allowance, and, therefore, courteously request that the Examiner promptly issue a Notice of Allowance.

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Respectfully submitted,

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